

**Notice of Allowability**

Application No.

10/791,586

Examiner

Cheryl Lewis

Applicant(s)

COBB ET AL.

Art Unit

2167

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicants' communication filed on November 1, 2006.
2. ☒ The allowed claim(s) is/are 1,3-9,11-17,19-24,26-31 and 33-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1/19/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                   |
|  | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. Claims 1, 3-9, 11-17, 19-24, 26-31, and 33-38 are allowed. These claims have been renumbered as claims 1-33.
2. The applicants have cancelled claims 2, 10, 18, 25, and 32 in the amendment received on November 1, 2006.

### ***Drawings***

3. The drawings filed on March 2, 2004 are accepted by the Examiner.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Christopher Lattin on January 12, 2007.

5. Claims 1, 9, 17, 21, 24, and 31 have been amended as follows:
  1. (Currently Amended) A computer implemented method comprising installing a driver package onto a computer using a side by side installer by:  
receiving a driver package;

generating a strong name for the driver package; and whereby  
commonly named driver packages or commonly named driver files  
associated with driver packages are enabled to be to be installed and  
loaded side-by-side;

assigning a storage location for driver files associated with the  
driver package based on the strong name wherein the driver files include  
a driver image file; and

loading the driver image file from the storage location into a  
memory on the computer to link the computer to the peripheral device.

9. (Currently Amended) A computer implemented method, comprising:

generating a unique identity for respective driver packages to which  
commonly named driver files correspond on a computer[;] whereby  
commonly named driver packages or commonly named driver files  
associated with driver packages are enabled to be to be installed and  
loaded side-by-side;

assigning driver files associated with the individual driver packages  
to subdirectories in a common storage based on the unique identity  
wherein the driver files include a driver image file; and

loading the driver image file from one of the subdirectories into a  
memory on the computer to link the computer to the peripheral device.

Art Unit: 2167

17. (Currently Amended) A computer-readable storage medium having one or more instructions to be executed by one or more processors, the one or more instructions causing the one or more processors to:

generate a strong name for a driver package[;] whereby commonly named driver packages or commonly named driver files associated with driver packages are enabled to be to be installed and loaded side-by-side;

assign a storage location for a driver file associated with the driver package based on the strong name wherein the driver file is a driver image file; and

cause the one or more processors to further load the driver image file from the storage location into a memory to link the computer to the peripheral device.

21. (Currently Amended) A computer-readable storage medium according to Claim 17, wherein the driver file is ~~at least one of a driver image file and a co-installer,~~ and wherein further the storage location is a driver store subdirectory.

24. (Currently Amended) A computer implemented apparatus, comprising:

an installer to generate a strong name for a driver package; ~~and~~  
whereby commonly named driver packages or commonly named driver files associated with driver packages are enabled to be to be installed and loaded side-by-side;

a storage to install files associated with the driver package based on the strong name wherein the files are driver image files associated with the driver package include a driver; and

~~wherein the apparatus further includes a loader to load the driver image file into a memory[.]~~ to link the computer to the peripheral device.

31. (Currently Amended) A computer implemented apparatus, comprising:

means for generating a strong name for a driver package[;]

whereby commonly named driver packages or commonly named driver files associated with driver packages are enabled to be to be installed and loaded side-by-side;

means for storing files associated with the driver package based on the strong name wherein the files associated with the driver package include a driver image file; and

means for loading the driver image file into a memory.

### **REASONS FOR ALLOWANCE**

6. The following is a statement of reasons for the indication of allowable subject matter:

Applicants' response filed on November 1, 2006 overcomes the prior art rejection under 35 USC § 102(e) by Orleth et al.

The prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicant's invention nor anticipate the combination of claimed elements

Art Unit: 2167

including 'whereby commonly named driver packages or commonly named driver files associated with driver packages are enabled to be to be installed and loaded side-by-side' as recited in independent claim 1 and similarly recited in independent claims 9, 17, 24, and 31.

The strong name assigned to the driver package is a unique identity for a driver package that may be used to identify the driver package on any computer device. (see specification, paragraphs 0009, 0018, 0037, and 0038).

The remaining claims, 3-8, 11-16, 19-23, 26-30, and 33-38 are dependent claims, thus these claims are patently distinct over the art of record for at least the above reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **NAME OF CONTACT**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

Art Unit: 2167

number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
January 19, 2007